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Michael J. Munson

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10/23/2007

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EXAMINER

GREENE, DANIEL LAWSON

ART UNIT

PAPER NUMBER

3694

MAIL DATE

DELIVERY MODE

10/23/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/758,012

Applicant(s)

MUNSON, MICHAEL J.

Examiner

Daniel L. Greene Jr.

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16, 18-22, 24-33 and 37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6, 18-22, 24-33 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. NOTE: Applicant states on page 5 of the response received 7/30/2007

" This amended specification contains the claims as originally filed. However, Examination should proceed based on claims 16, 18-33, and 37, as filed in Applicants most recent Amendment dated November 14, 2006."

However it must be noted that in said 11/14/2006 amendment claim 23 was cancelled. Accordingly an action on the merits of claims 16, 18-22, 24-33 and 37 follows.

#### ***Specification***

2. The submission of the second substitute specification in the response received 7/30/2007 is acknowledged and overcomes the objection set forth in the previous Office action mailed 5/02/2007.

#### ***Election/Restrictions***

3. Applicant's election without traverse of Invention IV, i.e. claim 16 in the reply filed on 12/22/2005 is acknowledged.

#### ***Response to Amendment***

4. Applicant's cancellations and amendments to the claims received 11/14/2006 have obviated the rejections set forth in sections 6 and 7 of the previous Office action mailed 7/1/2006. Accordingly, said rejections are hereby withdrawn.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 16, 18, 19, 21, 22, 24-33 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 5,842,178 to Giovannoli.**

**Regarding claims 16, 29, and 30-33** Giovannoli sets forth a system and method comprising the steps of:

organizing data concerning a plurality of events sponsored by a sponsor into a customized sponsorship tool database;

generating a customized sponsorship tool to include said data concerning said plurality of events sponsored by said sponsor; and

presenting said customized sponsorship tool on a display screen to said sponsor in for example the Abstract, Figures 1, 2, 4, 5, Col. 1 lines 9-27, Col. 7 lines 1-5, Col. 8 lines 1-17, claim 1, etc. wherein it is understood that a sponsor can be considered nothing more than a “donor” or a buyer of a commodity, and the product is the activity/item/etc. to be sponsored or sold and the system provides the means to permit the transaction, i.e. the display screen etc. The

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limitation "Customized sponsorship tool" reads on the interface that sponsors use to interact with the system.

**Giovannoli further discloses claim 18 i.e. a method comprising the steps of:**

organizing sponsorship related data into a customized sponsorship tool database to include data concerning at least one of the following:

at least one of a plurality of sponsorship properties sponsored by at least one sponsor; and

at least one of a plurality of sponsorship properties for sponsorship consideration by at least one party concerned with the sponsorship consideration;

generating a customized sponsorship tool to include at least a portion of the sponsorship related data concerning at least one of the following:

the at least one of a plurality of sponsorship properties sponsored by at least one sponsor; and

the at least one of a plurality of sponsorship properties for sponsorship consideration by at least one party concerned with the sponsorship consideration; and

presenting the customized sponsorship tool on a display screen to at least one user;

whereby the at least one party viewing the display screen is provided an integrated management tool for the sponsorship wherein it is understood that the

sponsors must be able to determine what activities they are sponsoring. See, for example, Col. 3 lines 5-25

**Regarding claim 19** and the limitation wherein the display, screen is further configured to facilitate processing and use of at least one item related to the database comprising at least one of the following:

- a submission related to the database;
- a dissemination related to the database,
- a forwarding of data related to the database from the at least one user to at least one other party of the customized sponsorship tool;
- contact information of at least one party associated with data in the database;
- a search query regarding data existing in the database;
- a notification of the results of a search query regarding data existing in the database;
- a response to a notification; a request for proposal;
- a response to a request for proposal;
- a proposal; a response to a proposal;
- an acceptance of a proposal;
- a data entry concerning the at least one of a plurality of sponsorship properties sponsored by at least one sponsor;

a data entry concerning the at least one of a plurality of sponsorship properties for sponsorship consideration by at least one party concerned with the sponsorship consideration;

a data entry concerning the at least one sponsor; a data entry concerning the at least one party concerned with the sponsorship consideration;

dates; budgets; demographics; keywords;

a password;

a data entry concerning a subscription allowing use of the display tool and database; and

a subscription fee, see for example, Figure 7

**Regarding claim 21** and the limitation wherein customized sponsorship tool is further configured to consummate and record transactions concerning at least one of the following:

the acceptance of the proposal; and

the subscription fee, see, for example, the abstract.

**Regarding claim 22** and the limitation wherein customized sponsorship tool is further configured to store results of the search query in said database see, for example, Col. 3 lines 5-8.

**Regarding claim 24** and the limitation wherein the screen is networked with the Internet, see for example, Figure 1.

**Regarding claim 25** and the limitation wherein the customized sponsorship tool is further configured to include at least a portion of the sponsorship related data organized in at least one of the following formats:

- according to audience size;
- according to audience age distribution;
- according to audience income distribution;
- according to market type;
- according to gender of audience;
- according to event dates;
- as occurring annually;
- as occurring periodically;
- as occurring one time;
- as educational;
- as having celebrity potential;
- as patriotic;
- as fostering civic pride;
- as a summer family event;
- as a baseball league;
- as a multiple listing service of sponsorship properties;
- as a discounted sponsorship property;
- on a geographical map;
- via an icon or pictograph;



via a multimedia presentation;  
via a financial spreadsheet; and  
via a related testimonial see, for example, Figure 7 and the last sentence of the Abstract.

**Regarding claim 26** and the limitation wherein the customized sponsorship tool is further configured to allow targeting a request for proposal by manually selecting a sponsorship property manager see, for example, the last sentence of the Abstract.

**Regarding claim 27** and the limitation wherein at least one of the sponsorship properties is organized into categories, see the last sentence of the Abstract.

**Regarding claim 28** and the limitation wherein at least one of the sponsorship properties has at least one of the following related opportunities:

at least one promotional opportunity, and

at least one marketing opportunity;

the related opportunity is linked to at least one of the following:

a product, a service, an activity, another event, an occurrence, a place, and a cause;

the related opportunity is further linked to at least one of the following mediums:

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television, media, VIP hospitality, signage, print, live entertainment, exclusivity, booth display, merchandizing, radio, direct mail, and Internet see for example Col. 1 line 30-Col. 2 line 36.

**Regarding claim 37** and the limitation wherein at least one of the sponsorship properties is of at least one of the following categories:

a wise buy, a featured property, a concert, an artistic performance, a festival, an athletic competition, a sport, an association, a cause, a web site, a tradeshow, a conference, a seminar, a corporate event, other request types and a naming right, see for example Col. 7 lines 3-34

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**9. Claims 16, 18-22, 24-33 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA in view of Case Law.**

Applicant's claims are directed towards a marketplace with customized interfaces for buyers and sellers of sponsored events, see for examples pages 1-2 of the specification filed 7/30/2007.

Applicant states on said page 2;

**"The World Series TM, the Superbowl TM, the Rose Parade TM and the Indianapolis 500 TM are all famous examples of annual events which are run by property owners, and which all enjoy the benefits of corporate sponsorship.**

Despite the enormous size of this yearly expenditure, companies that seek to advertise their products by sponsoring events utilize a rather haphazard process for accomplishing their objectives. **Two previous services, the IEG Network TM and LitLamp.com TM provide listing of some information about sponsored events.** At the present time, however, no widely available, **integrated database** and electronic marketplace is currently operating to provide comprehensive information, and then to match buyers and sellers of sponsored events. The **development of a new marketplace** with customized interfaces for buyers and sellers of sponsored events would constitute **a major technological advance**, and would satisfy long felt needs and aspirations in the advertising and marketing industries." (Emphasis added)

One can see by the statement above that annual events have heretofore been run by property owners enjoying the benefits of corporate sponsorship and that there are already at least two previous services providing listings of information about sponsored events.

It is apparent on it's face that Applicant has merely automated a process that was previously done by hand. However resort may be had to case law to show that there is no novelty in such practice. See, for example *In re Venner*,

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120 USPQ 192 (CCPA 1958), ), *In re Smith*, 73 USPQ 394 and *In re Rundell*, 9 USPQ 220.

"It is not 'invention' to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result"

"If a new combination of old elements is to be patentable, the elements must cooperate in such manner as to produce a new, unobvious, and unexpected result. It must amount to an invention"

Although APA does not specifically set forth the methods and systems set forth in the claims, the claims are obvious requirements for automating the process of connecting sponsors with activities that need sponsors. That is, the steps set forth in the methods set forth in the claims are those currently used in the old way of finding sponsors and events to sponsor, merely automated by, for example, using a database instead of a filing cabinet, using a computer and the internet instead of the telephone, fax machine or United States Postal Service, etc.

Accordingly at the time of the invention, it would have been obvious to one of ordinary skill in the art to automate the manual process of sponsorships for the benefits inherent in said automation, i.e. greater market base, increased visibility to customers, ease of back up, real time processing, etc.

Again, applicant has merely developed a "new" marketplace with customized interfaces for buyers and sellers of sponsored events, however such is nothing more than utilizing advances in technology, which are inherently

obvious things to do. It is not seen wherein applicant has actually "invented" something that performs functions that are patentably distinct from the manual method of performing the same function. That is, the end result of applicant's invention is the same as the manual method, i.e. sponsors find events to sponsor and events find sponsors to sponsor.

**10. Claims 16, 18-22, 24-33 and 37 are rejected under 35 U.S.C. 103(a) as being anticipated by IEG NETWORK: The Sponsorship Source 1996.**

**Regarding claims 16, 29, and 30-33 IEG sets forth a system for implementing a method comprising the steps of:**





organizing data concerning a plurality of events sponsored by a sponsor into a customized sponsorship tool database;

generating a customized sponsorship tool to include said data concerning said plurality of events sponsored by said sponsor in for example the statement

IEG is the source for sponsorship event marketing publications, educational workshops, sponsorship intelligence and consulting services available nowhere else.

and

## **SPONSORSHIP LINKS**

 <u><b>Sponsors</b></u>	Links to corporate sponsors of events
 <u><b>Sponsorship Agencies</b></u>	Sponsorship agencies on the Web
 <u><b>Sponsorship Opportunities</b></u>	Events and organizations, causes, pro and amateur sports
 <u><b>Sponsorship Vendors</b></u>	The Industry Yellow Pages to Services and Suppliers

IEG is in the business of "sourcing" sponsorships and consulting. IEG further provides yellow pages and consulting in the sponsorship arena.

Accordingly IEG organizes and tracks sponsors and sponsorship opportunities.

At the time of the invention it would have been obvious to one of ordinary skill in the art to integrate the use of internet technology and apply the use of advancing technology to automate the processes of IEG and to provide their services over the internet for the inherent benefits that automation provides, i.e. faster, cheaper, etc.

**IEG further discloses claim 18** i.e. a method comprising the steps of:  
organizing sponsorship related data into a customized sponsorship tool database to include data concerning at least one of the following:

at least one of a plurality of sponsorship properties sponsored by at least one sponsor; and

at least one of a plurality of sponsorship properties for sponsorship consideration by at least one party concerned with the sponsorship consideration;

generating a customized sponsorship tool to include at least a portion of the sponsorship related data concerning at least one of the following:

the at least one of a plurality of sponsorship properties sponsored by at least one sponsor; and

the at least one of a plurality of sponsorship properties for sponsorship consideration by at least one party concerned with the sponsorship consideration; and

presenting the customized sponsorship tool on a display screen to at least one user;

whereby the at least one party viewing the display screen is provided an integrated management tool for the sponsorship wherein it is understood as explained above that it would have been obvious to automate the manual practices of IEG. This claim is setting forth the document that a sponsor would receive for all of the sponsorships it is sponsoring or a sponsored event receiving a report of how many sponsors are sponsoring them. Again, this is considered nothing more than automating the procedure done by hand.

The limitations displaying on a screen are not considered to provide ANY inventive concept as this is an old and well known technique of disseminating information and can be accomplished by nothing more than scanning a document into a computer or creating it there and making it accessible to others. This is exactly what the internet and computer revolution have allowed people to do. That is, as technology has advanced, automation has been applied to any situation that can benefit therefrom.

**Regarding claim 19** and the limitation wherein the display, screen is further configured to facilitate processing and use of at least one item related to the database comprising at least one of the following:

- a submission related to the database;
- a dissemination related to the database,
- a forwarding of data related to the database from the at least one user to at least one other party of the customized sponsorship tool;
- contact information of at least one party associated with data in the database;
- a search query regarding data existing in the database;
- a notification of the results of a search query regarding data existing in the database;
- a response to a notification;
- a request for proposal;
- a response to a request for proposal;



a proposal; a response to a proposal;  
an acceptance of a proposal;  
a data entry concerning the at least one of a plurality of sponsorship properties sponsored by at least one sponsor;  
a data entry concerning the at least one of a plurality of sponsorship properties for sponsorship consideration by at least one party concerned with the sponsorship consideration;  
a data entry concerning the at least one sponsor; a data entry concerning the at least one party concerned with the sponsorship consideration;  
dates; budgets; demographics; keywords;  
a password;  
a data entry concerning a subscription allowing use of the display tool and database; and  
a subscription fee, in, for example, page 1 as reproduced here below

IEG is the only company that tracks and analyzes this growing discipline. Since 1982, we've furthered the professional practice of sponsorship by providing comprehensive, quality information on corporate sponsors, properties available for sponsorship and the agencies and vendors that supply the industry.

**Regarding claim 20** and the limitation wherein the customized sponsorship tool is further configured for providing anonymity of the sponsor, it must be understood that since IEG is the provider of information then the Sponsor is indeed anonymous to the sponsored event until the sponsor decides

to actually sponsor the event, at which time their anonymity will be relinquished. Further, anonymous sponsors would be also be considered or called "DONORS".

**Regarding claim 21** and the limitation wherein the customized sponsorship tool is further configured to consummate and record transactions concerning at least one of the following:

the acceptance of the proposal; and

the subscription fee, it must be understood that IEG facilitated these transactions and provided these reports as part of their manual processing. Accordingly it would have been obvious to automate such tasks.

**Regarding claim 22** and the limitation wherein customized sponsorship tool is further configured to store results of the search query in said database, Again IEG inherently does this because they must respond to the searches requested by their clients and as such would have these searches in their manual records or files. Automation of such has already been discussed.

**Regarding claim 24** and the limitation wherein the screen is networked with the Internet, again the process of automation and the utilization of the web have already been discussed.

**Regarding claim 25** and the limitation wherein the customized sponsorship tool is further configured to include at least a portion of the sponsorship related data organized in at least one of the following formats:

according to audience size;

according to audience age distribution;

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according to audience income distribution;  
according to market type;  
according to gender of audience;  
according to event dates;  
as occurring annually;  
as occurring periodically;  
as occurring one time;  
as educational;  
as having celebrity potential;  
as patriotic;  
as fostering civic pride;  
as a summer family event;  
as a baseball league;  
as a multiple listing service of sponsorship properties;  
as a discounted sponsorship property;  
on a geographical map;  
via an icon or pictograph;  
via a multimedia presentation;  
via a financial spreadsheet; and  
via a related testimonial, again, IEG lists events by dates, target

audiences, etc. All of these limitations appear to be obvious variants of activities capable of being sponsored.

**Regarding claim 26** and the limitation wherein the customized sponsorship tool is further configured to allow targeting a request for proposal by manually selecting a sponsorship property manager, IEG would require a sponsor to manually select an activity to sponsor.

**Regarding claim 27** and the limitation wherein at least one of the sponsorship properties is organized into categories, IEG categorizes events in many different manners including business, location, etc.

**Regarding claim 28** and the limitation wherein at least one of the sponsorship properties has at least one of the following related opportunities:

- at least one promotional opportunity, and

- at least one marketing opportunity;

- the related opportunity is linked to at least one of the following:

  - a product, a service, an activity, another event, an occurrence, a place, and a cause;

- the related opportunity is further linked to at least one of the following mediums:

  - television, media, VIP hospitality, signage, print, live entertainment, exclusivity, booth display, merchandizing, radio, direct mail, and Internet, it must be understood that activities that are to be or can be sponsored inherently include at least one of the preceding qualities or traits.

Sponsorship is an old and well-known procedure. Resort may be had to the plethora of Television shows that have been sponsored since their

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inception, for example, Mutual of Omaha's "Wild Kingdom" from the 1970's.

**Regarding claim 37** and the limitation wherein at least one of the sponsorship properties is of at least one of the following categories:

a wise buy, a featured property, a concert, an artistic performance, a festival, an athletic competition, a sport, an association, a cause, a web site, a tradeshow, a conference, a seminar, a corporate event, other request types and a naming right, it must be understood that these are all nothing more than old and well known activities that typically have sponsors and as such would be obvious.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6,061,660 to Eggleston et al. discloses an internet sponsorship website.


7,162,429 to Delgado et al. discloses an internet sponsorship website which is a continuation-in-part from 7,127,405 to Frank et al.

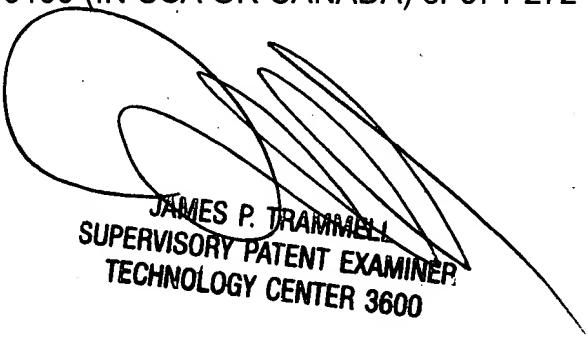
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene Jr. whose telephone number is (571) 272-6876. The examiner can normally be reached on Mon-Thur.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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2007-10-13

  
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